

**AGENDA
PARK ADVISORY COMMISSION
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
JANUARY 10, 2022
7:00 PM**

CALL TO ORDER:

CALL OF ROLL:

DETERMINATION OF A QUORUM:

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

"An opportunity for members of the public to address the Park Advisory Commission on items not on the current Agenda. Items requiring Park Advisory Commission action maybe deferred to staff for research and future Wyoming Park Advisory Commission Agendas if appropriate."

CONSENT AGENDA:

Items under the "Consent Agenda" will be adopted with one motion; however, council members may request individual items to be pulled from the consent agenda for discussion and action if they choose.

APPROVAL OF MINUTES:

1. Consider approving the minutes of the "Regular Meeting" of the Wyoming Park Advisory Commission for December 6, 2021

OLD BUSINESS:

NEW BUSINESS:

2. To consider appointing a Chair and Vice Chair for the Park Advisory Commission and two members to serve on the Joint Park Planning Board for 2022
3. 2022 Park Advisory Commission Meeting Dates and Roster
4. Emerald Ash Borer Minnesota DNR Grant
5. Park Advisory Commission Pertinent Documents
6. Open Meeting Law Review

7. To consider the Resignation of Park Advisory Commission Member Barb Williams

COMMUNICATIONS:

8. Swenson Park Ribbon Cutting Event - Saturday, January 15th at 2:00PM

ADJOURN

**NEXT MEETING:
February 7, 2022
7:00PM**

DRAFT MINUTES
WYOMING PARK ADVISORY COMMISSION
REGULAR MEETING
CITY OF WYOMING, MINNESOTA
DECEMBER 6, 2021
7:00PM

CALL TO ORDER:

Chair Spangler called the Regular Meeting of the Wyoming Park Advisory Commission for December 6, 2021 to order at 7:00PM

CALL OF ROLL:

On a Call of the Roll the following members of the Wyoming Park Advisory Commission were present: Members, Bruce Spangler, Heather Vandenheuvel, Jessica Bergan, Lindsay Hobson and Claire Luger, Council Liaison

Absent: Barb Williams

Also Present: Robb Linwood, City Administrator and Lisa Iverson, Mayor

Visitors: None

DETERMINATION OF A QUORUM:

Chair Spangler determined a Quorum was present.

PLEDGE OF ALLEGIANCE:

OPEN FORUM:

APPROVAL OF MINUTES:

A MOTION WAS MADE BY MEMBER VANDENHEUVEL, SECONDED BY MEMBER BERGAN, TO APPROVE THE PARK ADVISORY COMMISSION MINUTES FROM THE NOVEMBER 1, 2021 MEETING.

Voting Aye: Spangler, Hobson, Vandenheuvel, and Bergan

Voting Nay: None

Abstain: None

OPEN FORUM:

NEW BUSINESS:

2. Park and Trail Master Plan Social Pinpoint

City Administrator Linwood gave an overview of how the Social Pinpoint app works and ways it will be helpful to the City. The City will have a Facebook post tomorrow promoting the link for the app and posting an open house for the Master Park and Trail Plan on December 14, 2021 from 4:00PM to 6:00PM at the Wyoming Library. Candace Amberg from WSB was present at the Tree lighting and had boards that allowed residents to identify areas recreation they wanted for Wyoming Parks and Trails. Mr. Linwood did explain that they will be putting up notices in parks with a map and QR code for residents to be able to participate. The Park Advisory Commission expressed interest in posting the flyer in local businesses to help spread information about the social pinpoint app and the survey.

5. Park Project and Maintenance Update

City Administrator Linwood gave an overview and shared pictures of the work at Swenson Park. All of the work has been completed including the installation of new playground equipment, court resurfacing, concrete paths, warming house painting, blacktop and board installation. He did talk about that the city was looking to complete a video advertising the park and having a ribbon cutting for the park on the 1st or second Saturday in January. It most likely would be an hour event and just to talk about the park, the matching grant that paid for half of the cost and the first fully ADA park in the City of Wyoming. He encouraged PAC members to take a look at the park because it looks fantastic.

OLD BUSINESS:

COMMUNICATIONS:

UPDATES:

Mr. Linwood brought up commissioner Vandenheuvel had some questions regarding the largest tree in the city and about a 2022 Arbor Day event. Mr. Linwood shared the information from Public Works Superintendent Almhjeld that the oldest tree on city land is a white oak that is approximately 253 years in Goodview Park. Mr. Linwood stated that Arbor Day event will be a 2022 initiative and that the commission will have meetings to discuss and plan the event.

ADJOURN

A MOTION WAS MADE BY MEMBER SPANGLER, SECONDED BY MEMBER VANDENHEUVAL, TO ADJOURN THE DECMEBER 6, 2021 MEETING OF THE WYOMING, PARK ADVISORY COMMISSION AT 7:20 PM

Voting Aye: Spangler, Hobson, Vandenheuvel, and Bergan

Voting Nay: None

Abstain: None

NEXT MEETING:
January 3, 2022
7:00PM



Park Advisory Commission Request for Action

Date: December 29, 2021

Presented to: Park Advisory Commission

Presented by: Robb Linwood, City Administrator

Department: Administration

Reference: Open Meeting Law

Method: New Business

Background Information:

At the first meeting of the year per the Park Advisory Commission Bylaws it is necessary to select a chair and vice chair for the commission and two members to serve on the Joint Park Planning Board.

FIRST MEETING OF THE YEAR

At the first regular Park Advisory Commission meeting in January of each year, the Park Advisory Commission must:

- Choose a Chairperson; and
- Choose a Vice-Chairperson; who shall perform the duties of the chairperson during the disability or absence of the Chair from the Park Advisory Commission or, in case of a vacancy in the office of the chair, until a successor has been appointed and qualified; and
- Choose two members to serve on the Joint Park Planning Board.

Joint Park Planning Board.

A Joint Park Planning Board is hereby established to promote the systematic, comprehensive, and effective planning of park development and the integration of new land developments into the City's park system.

(1) Composition.

The Joint Park Planning Board shall consist of five (5) voting members. Two (2) of these members shall currently be serving on the City Park Advisory Commission, of which one shall be either the Chair or Vice-chair of the Park Advisory Commission. Two (2) of the Joint Park Planning Board members shall currently be serving on the Planning Commission, of which one shall be either the Chair or Vice-chair of the Planning Commission. In addition, the City Council shall appoint a liaison from among its members to the Joint Park Planning Board, who shall serve as a voting member in the event of a tie or lack of quorum.

- (a) **Terms of Office:** The terms of the voting members of the Joint Park Planning Board shall be consistent with their terms on the Park Advisory Commission or Planning Commission.
- (b) **Removal:** Members shall be subject to removal for cause by a three-fifths vote of the City Council.
- (c) **Compensation:** All members shall serve with such compensation as may be set by resolution of the City Council.

(2) Organization.

The Joint Park Planning Board shall elect a chair from among its members for a term of one year. The Joint Park Planning Board may create and fill such other offices, as it may deem necessary for its own administration. All actions of the Joint Park Planning Board shall require a majority vote of the members.

(3) Meetings.

The Joint Park Planning Board shall hold meetings the second Tuesday of each month as necessary. When a meeting is necessary, it shall be convened on the same day as, and immediately before the City Planning Commission convenes. Meetings of the Joint Park Planning Board shall be open to the public and shall be subject to the state open meeting law. The Joint Park Planning Board shall adopt rules for the transaction of business and shall keep a record of its actions and findings. If there are no special rules adopted by the Joint Park Planning Board, Roberts' Rules of Order shall be applied, except where inconsistent with this ordinance.

(4) Powers and Duties of the Joint Park Planning Board.

- (a) The Joint Park Planning Board shall review each Sketch Plan application for subdivisions submitted to the City. The purpose of this review is to establish findings and prepare a recommendation to the City Council concerning park dedication requirements pursuant to Chapter 32 of the City Code and which are consistent with the City of Wyoming Comprehensive Plan.
- (b) The Joint Park Planning Board in cooperation with and under the advisement of the Park Advisory commission shall study and make recommendations concerning long range park planning, and park acquisition.

2022 – Meeting Dates

Park Advisory Commission Giese Memorial Library 7:00 p.m.

January	3
February	7
March	7
April	4
May	2
June	6
July	11*
August	1
September	12*
October	3
November	7
December	5

***Note:** The following dates have been changed due to the observance of the 4th of July and Labor Day Holiday

Monday, July 4th to Monday, July 11th
Monday, September 5th to Monday, September 12th

Park Advisory Commission Roster

Member	Term Expires	Length of Term
Bruce Spangler	1/2023	2 year term
OPEN	1/2023	3 year term
Jessica Bergan	1/2023	2 year term
Heather Vandenheuvel	1/2024	3 year term
Lindsay Hobson	1/2024	3 year term



Request for Action

Date: 12/29/2021

Presented to: Park Advisory Commission

Presented by: Chuck Almhjeld, Public Works Superintendent

Department: Public Works

Reference: Emerald Ash Borer Grant Application

Method: New Business

Background Information:

As many of you know, the City of Wyoming became a Tree USA member in May of 2020. Since then we have accomplished 3 major goals.

1. Create a Tree Board
2. Create an annual budget of \$2.00 per capita for community forestry.
3. Inventoried the City-Owned trees in Wyoming.

As discussed, in the November 2021 Park and Recreation Advisory Committee Meeting, the goal for 2022 is to prioritize tree projects with the completed tree inventory. An Emerald Ash Borer Plan would be the most beneficial as there are approximately 60 city-owned ash trees that are in moderate to poor condition in our rating system. Behind the ash trees is oak wilt with 35 trees that are in moderate to poor condition.

The Minnesota DNR has a grant program available that would include the writing of an Emerald Ash Program, The cutting down of the trees, stump grinding, and the replacement of the trees. Public Works has obtained a quote from Hugo Tree Service that would cover these criteria for the program. The grant would be a three-year grant. The City of Wyoming would be looking for the maximum amount of \$150,000 over the three years. Any other future financial obligations would be the cities expense.

Recommendation:

The Park and Recreation Advisory Committee approve sending the grant application process forward to the City Council for approval.

CITY OF WYOMING
PARK ADVISORY COMMISSION
BYLAWS

These bylaws, when adopted, are intended to deal with matters not otherwise covered by State Law, City Ordinance or elsewhere.

SECTION I - MEMBERSHIP

(1) MEMBERSHIP

- a) The Park Advisory Commission will consist of five full members.
- b) Members will be appointed by City Council.
- c) Appointments shall be made for a five member Park Advisory Commission so that no more than two and no less than one terms are filled in January of each calendar year. Each member may be eligible at the discretion of the City Council for reappointment.
- d) Park Advisory members shall receive \$30.00 for one regular monthly meeting based on Call of Roll attendance recorded on the meeting minutes. An additional \$30.00 will be paid per special meeting based on Call of Roll attendance recorded on the special meeting minutes.
- e) A member of the City Council shall be assigned as a liaison to the Park Advisory Board. The Council Liaison shall not be counted for quorum purposes and shall not vote on issues before the Park Advisory Commission.
- f) As Representatives of the City the dress code is “Business Casual”

(2) MEMBER SELECTION

- a) Announcement of vacancies shall be published on the City’s website, bulletin boards and other locations as the City Administrator deems necessary.
- b) Candidates must submit a letter of interest to the City Administrator by closing date stated in announcement.
- c) The City Administrator, Chair and Council Liaison will review all letters and invite candidates to an interview process with the Park Advisory Commission. The Park Advisory Commission shall recommend to the City Council the candidate for appointment to the Commission.

(3) **RESIGNATION**

- a) Members resigning should submit a letter of resignation to the City Administrator preferably providing 30 days' notice.

SECTION II - MEETINGS

- (1) **REGULAR MEETINGS** Regular Meetings of the Park Advisory Commission shall be held on the First Monday of every month at 7:00pm, and all meetings including special and adjourned meetings, shall be held at the Wyoming Area Giese Memorial Library unless otherwise designated. Any regular meeting falling upon a holiday shall be rescheduled by the Commission at the first meeting of the year.

(2) **SPECIAL MEETINGS**

- a) Special Meetings may be called by the Chair or in written form, by any other two (2) members of the Park Advisory Commission, filed with the City Administrative office.
- b) At least three (3) days before the meeting, the City Administrative staff shall notify each member of the time, place, and purpose of the meeting. Notice shall be given by email or telephone call, documenting all communication attempts. It shall be the Members responsibility to respond to the communication to confirm whether they will be at the meeting or not.
- c) At least three (3) days prior to the meeting, the City Administrative staff shall post notice of the meeting and notify each person who has filed a written request for notice of special meetings, or may, if necessary, provide such other more restricted notice; as allowed by Statute, such as: MS 471.705, SUBD. 1C, paragraph g, "If a person receives actual notice of a meeting of a public body at least 24 hours before the meeting, all notice requirements of this subdivision are satisfied with respect to that person, regardless of the method of receipt of notice."
- d) Any special meetings attended by a majority of the Park Advisory Commission members shall be a valid meeting for the transaction of any business that may come before the meeting.

(3) **EMERGENCY MEETINGS**

- a) Emergency meetings may be held because of circumstances that, in the judgment of the Park Advisory Commission, require immediate attention.
- b) The notice of an emergency meeting shall state the items(s) to be discussed and possibly acted upon. Items not stated in the notice may be discussed, but no action may be taken if any member objects.
- c) Any emergency meetings attended by a majority of the Park Advisory Commission members shall be a valid meeting for the transaction of any business that may come before the meeting.

(4) FIRST MEETING OF THE YEAR

- a) At the first regular Park Advisory Commission meeting in January of each year, the Park Advisory Commission must:
 - (i) Choose a Chairperson; and
 - (ii) Choose a Vice-Chairperson; who shall perform the duties of the chairperson during the disability or absence of the Chair from the Park Advisory Commission or, in case of a vacancy in the office of the chair, until a successor has been appointed and qualified: and
 - (iii) Choose two members to serve on the Joint Park Planning Board.

(5) PUBLIC MEETINGS

- a) All Park Advisory Commission meetings, as defined by State Law, including special and adjourned meetings shall be open to the public.
- b) Annually, the staff shall advise the Park Advisory Commission in writing as to the interpretation of the State “Open Meeting Law.”
- c) All new members shall be provided such written interpretation.
- d) The Attorney shall bring any changes in his/her interpretation to the attention of the Park Advisory Commission in writing and have the subject placed on the agenda for discussion.

(6) ATTENDANCE

- a) Duly appointed members of the Park Advisory Commission shall not miss more than three consecutive regular meetings, excused or unexcused of the Park Advisory Commission per calendar year. It will then be the responsibility of City Staff present at meetings to inform the City Council, that

such member is in violation of this section and the City Council shall make a determination if the appointed member shall be removed or remain on the Park Advisory Commission.

- b) Abuse of this policy will be investigated by City Council.

SECTION III - PRESIDING OFFICER: RULES OF ORDER

- (1) **PRESIDING OFFICER** The Chair shall preside at all meetings of the Park Advisory Commission. In the absence of the Chair, the Vice Chair shall preside. In the absence of both, the City Administrator or city staff designee shall call the meeting to order and shall preside until the Park Advisory Commission members present at the meeting choose one of their members to act temporarily as presiding officer.
- (2) **DUTIES OF THE PRESIDING OFFICER** The presiding officer shall preserve order, enforce the rule of procedure herein prescribed, and determine all questions of procedure and order.
- (3) **PROCEEDINGS** Except as otherwise provided by statute or by these rules, the proceedings of the Park Advisory Commission shall be conducted in accordance with the following rules of order:
 - a) A motion must be seconded before being considered by the Park Advisory Commission and the mover, as well as the seconded, must be recognized by the presiding officer.
 - b) A motion will not be subject to debate until it has been stated by the presiding officer and he/she has opened it to debate.
 - c) Each member, while speaking shall confine himself/herself to the question at hand and avoid all personal, indecorous or sarcastic language.
 - d) Whenever any member of the Park Advisory Commission desires to speak on any questions which affects him/her personally, he/she shall first recuse his/her chair and shall not resume his/her seat until the matter under consideration has been acted upon. He/She shall be allowed to make comments on the questions as a private citizen.
 - e) Whenever public hearings are held, the presiding officer, during the open hearing, shall allow any member of the public present, the privilege of speaking. A reasonable time (2 to 3 minutes) shall be allowed to anyone as long as they are not repeating points already made.
 - f) The public will conduct themselves in the same manner as would be expected from the Park Advisory Commission. The presiding officer shall be

responsible for the public's conduct and may rule anyone out of order.

- g) The presiding officer will ~~may~~ allow the public to participate as long as the input is germane.

SECTION IV - AGENDAS

(1) PREPARATION OF AGENDAS

- a) The agenda shall be prepared by Staff and shall be closed at noon the Monday prior to the meeting for preparation purposes.
- b) Items which require a public hearing must be submitted 21 days before the scheduled hearing preceding the meeting.
- c) Any member can place an item on the agenda prior to the close of the agenda per item (a) above by so instructing the Administrative Department.
- d) No item shall be placed on the agenda unless the item is expressed in such a way as to clearly show the subject matter involved.

- (2) AGENDA ADDITIONS** The agenda additions may be subject to approval by a majority vote of the members present. Agenda additions may be discussed, but no action may be taken if any member objects.

SECTION V - ORDER OF BUSINESS

- (1) TIME AND PLACE** Each meeting of the Park Advisory Commission shall convene at the time and place appointed therefore, or if needed, relocated at the time and place appointed by the Park Advisory Commission.

- (2) ORDER OF BUSINESS** Park Advisory Commission business shall be conducted in the following order:

- (a) CALL TO ORDER**
- (b) CALL OF ROLL**
- (c) DETERMINATION OF A QUORUM**
- (d) APPROVE MINUTES**
- (e) OPEN FORUM (Limit 2 to 3 minutes per person/topic)**
- (f) NEW BUSINESS**
- (g) OLD BUSINESS**
- (h) COMMUNICATION**
- (i) ADJOURN**

- (3) **PUBLIC HEARINGS** The order of business may be varied by the presiding officer, but all public hearings shall be held at the time specified in the notice of hearing.

SECTION VI - MINUTES

- (1) **MINUTES** Minutes of each Park Advisory Commission meeting shall be kept by the Administration Department designee, or in the absence of such, the presiding officer shall appoint a secretary pro term. When the Member is absent from the meeting, the minutes shall reflect if the Chair deemed the absence excused.
- (2) **RESOLUTIONS AND OTHER FILED DOCUMENTS.** Resolutions and other filed documents need not be recorded in full in the minutes if they appear in other permanent records of the Administration Department and can be accurately identified from the description given in the minutes.
- (3) **APPROVAL OF MINUTES**
- a) Minutes of each meeting shall be reduced to typewritten form, shall be signed by the taken, and copies thereof shall be delivered to each Park Advisory Commission member as soon as practicable after the meeting.
 - b) At the next regular Park Advisory Commission meeting following such delivery, approval of the minutes shall be considered by the Park Advisory Commission. The minutes need not be read aloud, but the presiding officer shall call for additions or corrections. If there is no objection to a proposed addition or correction, it may be made without a vote of the Park Advisory Commission. If there is an objection, the Park Advisory Commission shall vote upon the addition or correction. If there are not additions or corrections, the minutes shall stand approved.
 - c) Only persons present at the meeting of minutes being approved may vote on their acceptance. In the event there is not a quorum of members present at the current meeting, from the minutes under consideration, the minutes will be tabled to the next Commission meeting for approval.

SECTION VII - QUORUM AND VOTING

- (1) **QUORUM** At all Park Advisory Commission meetings, a majority of all of the Park Advisory Commission members appointed shall constitute a quorum for the transaction of business. In the event there is not a quorum fifteen minutes after the posted meeting time, the meeting will be cancelled due to lack of quorum.

(3) **VOTING**

- a) The votes of members on any matter that has been motioned and seconded pending before the Park Advisory Commission shall be by voice vote.
- b) The following agenda items may be called by voice vote and approved by a simple majority:
 - i. Approval of the agenda;
 - ii. Adjournment
- c) If any member, being present, does not vote, the minutes shall be stated: "Abstain: Name".
- d) Except as otherwise provided by statute, a majority vote of a quorum shall prevail.

SECTION VIII - SUSPENSION OR AMENDMENT OF THE BYLAWS

- (1) **REPEAL AND AMENDMENT** The Park Advisory Commission from time to time may make recommendations to the City Council to amend the Park Advisory Commission Bylaws.

SECTION IX - EFFECTIVE DATE

- (1) **EFFECTIVE DATE** These Bylaws have been recommended to the City Council by the City Park Advisory Commission 1-15-2019 and become effective immediately upon City Council approval.

PASSED AND ADOPTED by the City Council of the City of Wyoming, Chisago County, Minnesota this 1-15-2019

Lisa Iverson, Mayor

ATTEST:

Robb Linwood, City Administrator/Clerk

WYOMING PARKS ADVISORY COMMISSION MISSION STATEMENT

Our Mission Statement: A commitment to provide a safe leisure environment along with quality parks, facilities, trails, and services, and to preserve and protect open land and water areas that will benefit and improve the quality of life for our residents now and in the future.

Visions

- Coordinate the Parks Program relative to county and local planning efforts in order to produce the highest level of facilities and improve communications to minimize duplication of efforts.
- Identify, preserve and protect open spaces such as wetlands, shoreline, critical resource areas, wildlife habitat, and natural vegetation communities that are essential to ecological systems of the parks and opens space system
- Promote the acquisition and development of city parks and trial to sustain a well-balanced city park system adequate to satisfy outdoor recreational needs.
- Review operations and maintenance of facilities and services appropriate to parks.
- Assist and review the preparation of the park budget
- Periodic updates of Parks and Trails Open Space Plan in accordance with accepted standards and concerned citizens as appropriate.
- Conduct periodic reviews of the parks and opens space facilities and involve county and local officials.
- Protect the environmental quality of the parks and open space system.

City of Wyoming Park Advisory Commission Comprehensive Plan for Parks, Trails, and Open Space

Introduction

The City of Wyoming Park Advisory Commission is charged with providing a variety of recreational opportunities to its residents through a Park system. The City recognizes that the anticipated growth in population and increasing density during the ensuing years will create increasing demands for leisure and recreational facilities.

Purpose

The purpose of this chapter is to establish a plan showing how as a community it will develop a park system and how we plan to accomplish that goal. The following items are the major points to be addressed.

1. Identify the types of parks and other public facilities to have;
2. Set criteria for determining the number, location and distribution of parks;
3. Set forth the various ways in which the parks and public facilities will be acquired and funded; and
4. Show on maps, as well as possible, with current and updated information, an indication of where present/future parks and trails are/may be located.

The word "park" as used in this document is often meant in a general sense and may include many or all of the following types of public facilities:

Playgrounds	Rest stops
Picnic grounds	Community Center
Natural areas	Ball fields
Open space	Trails

Types of Parks

It is the intention of the City to set land aside for public use, and establish the following types of, parks and facilities:

1. Neighborhood Parks and Playgrounds (1-9 acres)
2. Large Community Parks & Community Center (10-40 acres)
3. Trail System
4. Other public lands and open space

Neighborhood Parks and Playgrounds

These playgrounds will generally be small and established within or next to a platted residential area. Their primary function is to provide a playground, gathering area or quiet retreat for the nearby residents.

Where there are existing platted areas of similar densities without a playground or similar open space, one of the following may be pursued if the opportunity presents itself.

If a new development is being planned nearby, a park should be considered which will also serve the pre-existing neighborhood. Both populations should be taken into consideration. Land may be purchased within or adjacent to an existing development to provide a park.

Playground equipment and amenities such as the following will be considered appropriate:

Park benches	Pickle Ball Courts
Picnic tables	Sandboxes
Fire pits/boxes	Volleyball courts
Swings	Open grassy multi-sport areas
Slides	Picnic shelters
Climbing equipment	Horseshoe pits
Other play equipment	Small ball fields
Basketball court	Tennis Courts

It is generally not desirable to establish elaborate play fields or game courts for organized sports at these neighborhood playgrounds. It is acceptable, if there is adequate room, to set aside areas to conduct sports and games.

Community Parks

The community parks within the city are Tolzmann, Swenson, Lions, Goodview, and Banta. It is desirable that the City should establish one or more large multi-use parks intended for use by the entire community. A primary function of this type of park is to provide a place for a ball field complex away from present dense population areas where noise, traffic and parking will not create problems as they may in more densely populated areas. The following examples of equipment and facilities are considered appropriate for community parks:

Baseball / softball fields	Bleachers
Parking lots	Soccer/football fields
Drinking water	Hockey rinks/warming house
Toilet facilities	Basketball courts
Lighting	Tennis courts
Band shell	Community Center
Skate Board facility	Free skating area

Other Public lands and Open Space

Open space provides numerous benefits acting as a buffer between developments and between development and rivers and lakes and providing many forms of recreation. Currently the City preserves open space by requiring new commercial and residential subdivisions to provide a specified amount of open space or to pay a fee in lieu thereof for other open space acquisition. Open space within a subdivision that is not scheduled for public park improvements will be maintained as required to preserve independent ecosystems, natural environment, protect historical sites and neighborhood character.

Neighborhood Parks and Placement

It is the City's responsibility to make or approve park plans, which assure that its parks are reasonably safe and convenient and that they serve the needs of the entire community. The City intends, when feasible, to locate one (and preferably only one) park in each of the several Park Areas as spelled out in the City's Comprehensive Park Plan. Numerous small parks are to be avoided in favor of fewer and larger parks.

Trails should primarily provide access between various parts of the City (cities, parks, schools, residential clusters, etc.) rather, than just within a particular development. Trails along through streets which connect to other trails or destinations are more useful to the larger community. These Park Regions which should have a neighborhood park or playground somewhere within them are indicated on the City Comprehensive Park Map (see the Comprehensive Park Plan for map).

Park Acquisition and Funding

Neighborhood Parks and Playgrounds

The City recognizes it is essential to the health, safety and welfare of the residents of the City of Wyoming and persons visiting or working in the City of Wyoming, that the character and quality of the environment to be considered to be of major importance in the planning and development of the City. In this regard, the manner in which land is developed and used is of high priority. The preservation of land for park, playground, trail and public open space purposes as it relates to the use and development of land for residential and commercial/industrial purposes is essential to the maintaining of a healthful and desirable environment for all citizens of the City. The City must not only provide these necessary amenities for our citizens today, but also be insightful to the needs of our future citizens.

It is recognized by the City Council that the demand for parks, playgrounds, trails, and public open, space within a municipality is directly related to the density and intensity of development permitted if and allowed within any given area. Urban type developments mean greater numbers of people and higher demands for park, playground and public open space. To disregard this principle is to inevitably overburden existing facilities and thus, diminish the quality of the environment for all.

Neighborhood parks and playgrounds will be acquired and developed primarily during the process of land subdivision and development. It is neither reasonable nor is it possible to determine the exact number, location or size of parks when looking at undeveloped areas. The matters of "if, when and where" of park development can only be determined "if, when, and where" subdivision occurs. However, it is possible to provide some general guidelines on future park development. For any neighborhood park it is desirable, when possible, to acquire the land for a single park from more than one subdivision. This allows the park size to grow as development occurs and spreads the burden of providing land onto more than one property. To do so requires that the first portion of the park be acquired from an edge or corner of an early development. It should then be indicated on the Comprehensive Park Map that additional parkland will be acquired from adjoining land when it is developed.

Funds contributed during subdivision can be used to develop parkland contributed during subdivision or used elsewhere for community wide projects. Part of the Park Fee received as cash needs to be used for other projects in the City which benefits the larger community and will of course be used by the residents of all developments.

Community Parks and Trails

A larger park, which serves the needs of the community as a whole should not be entirely the responsibility of the neighborhood developments. In addition they will usually contain larger ball fields or other facilities, which may attract large and potentially noisy crowds. It is the intention of the City to place these parks in more open rural and possibly isolated areas rather than in the midst of presently developing areas. These community parks, along with trails, which are not built as part of a subdivision, should use only a part of the funds contributed by the subdivision process. The major funds for acquiring and developing these community parks should come from tax levies, grants, and other sources, which likewise represent the entire community.

Trail Systems

Recent years have seen a rapidly increasing participation of both children and adults in activities such as walking, jogging, running, skateboarding, in-line skating, and bicycling. It is certain that this interest will increase even more in the coming years. Some engage in them for enjoyment, some for health and some as an alternative means of transportation, all commendable reasons. It is very important that we consider this and provide for these needs of our present and future citizens.

Three factors are creating a potentially hazardous situation:

- An increased interest in the above activities, most of it along our graveled and paved roads.
- An increasing population to participate in these activities.
- An increasing population creating greater vehicular traffic on the roads, many with no shoulders. It is important that we establish paths and trails to provide better and safer conditions.

Types of Trails in the City

Major through-trails crossing the City and possibly connecting parks or municipalities.

Circle routes: A few trails which make a complete loop are a desirable addition to any trail system. Parts of these loops may be part of another trail especially a major through trail. A few such loops are shown on the Park Comprehensive Map, the primary one being the proposed loop around Lake Comfort.

Feeder Trails: Various other trails may be established which feed into the major trails, interconnect other trails, or provide side routes.

Other types of Trails:

- a. It may be appropriate to consider making some trails accessible for horseback riding
- b. Specific trails for ATV use, or snowmobiling, will be constructed by the City only if done as a joint project with the County and/or State
- c. City trails may be used by everyone if the trail is found to be in usable condition. The trail will be groomed and maintained.

Planned Through-Trails

The Swedish Immigrant Trail, being planned by the Chisago County Parks and Trail Foundation, will be located wherever possible on the old railroad bed that stretches from Center City to Taylor Falls. If necessary, parts of this trail could be built along local streets as development occurs between the two cities. This trail could be extended through the City of Wyoming along Wyoming Trail and connect to the Sunrise Trail at Forest Blvd.

The Sunrise Prairie Trail along the abandoned railroad bed paralleling US Hwy 61 and Co. Rd 30 stretching from Forest Lake to North Branch was completed in 1998 by Chisago County

Trail along US Highway 8 this also will be primarily a responsibility of the County and State, being built as part of a future reconstruction of Highway 8

Trail starting at Liberty Ponds (Heath Ave.) cross Highway 8 connecting to Comfort Drive to Wyoming Trail

Trail along Kettle River Boulevard which is a county road and in the planning stage.

General Information, Plans and Procedures Relating to Trails

All roads built in new developments should include right-of-way easement or a larger right-of-way dedication on both sides of the road for possible future trail development if such should be desired. If an easement for trail purposes is desirable by the Park Advisory Commission this may be the regular utility easement or a separate trail easement. It should be understood by all parties involved City; developer; landowners; and residents that at any time in the future the City may and has the right to develop a trail along this easement on one or both sides.

When a trail is definitely planned for a particular location, it should be so indicated on the Comprehensive Park Trail Map. In addition a separate plat map, which indicates a planned trail will be drawn up by the developer and filed with the county along with the rest of the plat maps.

Most trails will be built along the side of highways and streets, both existing and under construction. In some cases the trails may follow a path other than a street or highway. Trails may either be built outside of the road ditch or may be built as part of the paved roadbed. However, in that case, state guidelines specify that separate bicycle lanes be built on each side of the roadbed. Major through-trails, preferably should be built outside the ditch. Lesser feeder trails may be constructed as part of the paved roadbed.

Depending on intended use and other consideration various surfaces may be used on trails:

- a. Dirt or natural material
- b. Wood chips
- c. Gravel or other aggregate materials
- d. Asphalt paving

Some trails may be built without being paved and then paved at a later date as needs of fund availability changes.

Trails built by the City will be for non-motorized traffic only. No motorized vehicles of any sort will be authorized to use the trails except for maintenance, except when designated for motorized use.

The City should adopt standards for the design and construction of trails such as "Bikeway Design Manual" provided by the Minnesota Department of Transportation as a guide.

Minnesota Green Step Cities

It is the intent of the City of Wyoming Park Advisory Commission to support the goals and initiatives of the Minnesota Green Step Cities program by recognizing their statement:

"Along with city trees, city parks and trails soften our daily life spent in buildings, satisfying an innate affinity for the natural world. These green and open spaces can be a defining feature of a city, providing civic gathering spaces, venues for exercise and cost-free recreation, and connections to open space beyond city limits. City parks and trails provide many important ecosystem services, including the purification of air, reduction in the urban heat island effect, storm water management, wildlife habitat, and carbon sequestration. Parks and trails are also economic development tools, increasing property values in their vicinity."

And by implementing the following Best Practices Actions of the program:

1. **Make improvements** within your city's system of parks, off road trails and open spaces.
2. Plan and budget for a network of parks, green spaces, water features and trails for areas where **new development** is planned.
3. Achieve minimum levels of city green space and maximize the **percent within a ten-minute walk** of community members.
4. Adopt **low-impact design standards** in parks and trails that infiltrate or retain all 2 inch, 24-hour stormwater events on site.
5. Create **park/city land management standards/practices** that maximize at least one of the following:
 - a. Low maintenance turf management; native landscaping; organic or integrated pest management; pollinator/monarch-safe policies.
 - b. Recycling/compostables collection; use of compost as a soil amendment.
 - c. Sources of nonpotable water, or surface/rain water, for irrigation.
6. Certify at least one **golf course** in the Audubon Cooperative Sanctuary Program.
7. Document that the **operation and maintenance, or construction / remodeling**, of at least one park building used an asset management tool, the SB 2030 energy standard, or a green building framework.

Develop a program to **involve community members** in hands-on land restoration and stewardship projects.

CITY OF WYOMING PARK IMPROVEMENTS CHECKLIST

WHAT

The Park Advisory Commission shall conduct studies and surveys in order to determine desired park improvements.

WHERE

The Park Advisory Commission will create plans and specifications of the proposed park improvement and the site where the proposed park improvement will be located. These plans and specifications will include the following information (as applicable):

1. A detailed map of the property showing the location of existing and proposed structures and improvements and existing land uses and buildings of adjacent properties within 500 feet. A survey may be required.
2. Total acreage of property.
3. Total acreage in wetlands or floodplain.
4. Grading, drainage and erosion control plans. The grading and drainage plan must be designed in accordance with Zoning Ordinance Article VII, Division 21 of the Zoning Ordinance and the City of Wyoming Surface Water Resource Guidance Document.
5. Landscaping and Screening in accordance with Zoning Ordinance Article VII, Divisions 14 & 26.
6. Lighting Plan in accordance with Zoning Ordinance Article VII, Division 15.
7. Elevation drawings of all sides of the proposed Improvement to show compliance with the architectural standards of the zoning district the use will be located in.
8. Wetlands delineation report.
9. Applications for any necessary variances, conditional use permits, or rezoning.
10. Copies of permit application submittals to all agencies with jurisdiction over wetlands or water bodies and channels on the development site.
11. Proposed improvements that are within the Highway 8 Overlay District or that utilize Highway 8 for access must include the information necessary to show compliance with Article VI, Division 14 of the Zoning Ordinance.
12. Environmental Assessment Worksheet, if necessary.

WHY

The Park Advisory Commission will submit a letter to the City Council describing the Improvement request, how it will be operated and how the request satisfies the City's "Park Improvement Criteria".

Park Improvement Criteria

1. Stated reason for requested change.
2. Statement of compatibility to the City Comprehensive Plan and Comprehensive Park Plan.

3. What is the intent of the proposed improvement? Does the proposed improvement conflict with any potential future projects?
4. Does the proposed improvement constitute redevelopment or an upgrade of the property?
5. Will the proposed improvement have vehicular approaches that do not create traffic congestion, or have a negative effect on traffic safety?
6. Will the proposed improvement result in the destruction, loss, or damage of a natural, scenic, or historic feature of importance?
7. Will the proposed improvement result in a structure being built in an easement?
8. Does the proposed improvement allow for the saving of trees or other natural resources, or cause less harm to natural resources if allowed than would strict enforcement?
9. Does the proposed improvement result in a safety improvement to the subject property or the general public?
10. Does the proposed improvement provide accessibility to disabled persons or meet ADA requirements?
11. Will the proposed improvement have a functional aesthetic benefit to the property?
12. Is the property unique – size, shape, topography, easements, or natural resources?
13. Will the proposed improvement be constructed to be compatible with the existing and intended character of the area?
14. Will the proposed improvement be hazardous or disturbing to existing or future neighboring uses?
15. Does the proposed improvement protect or increase vegetation and infiltration areas?
16. Any other information deemed necessary by the City Council

WHO

1. After the Park Advisory Commission has determined that a park improvement is desired, and after all materials that are needed have been gathered, the Park Advisory Commission shall set a public hearing date for the proposed improvements.
 - a. Notice of the public hearing will be published in the official newspaper at least 10 days prior to the hearing date.
 - b. Written notice of the public hearing will be sent to all property owners within five hundred (500) feet of the subdivision.
 - c. The Comfort Lake/Forest Lake Watershed District shall receive written notice if any part of the site is within the watershed district.
 - d. The Department of Natural Resources shall receive written notice if any part of the site is within a shoreland district.
2. The Planning Commission will hold a public hearing and shall make a recommendation for approval of the proposed improvement, with or without revisions, or a recommendation for denial. This recommendation is forwarded to the City Council.

3. The City Council reviews the application and acts upon it

HOW

1. Bids
2. Prior to the installation of any improvements, the Contractor shall enter into a contract in writing, requiring the Contractor to furnish and construct said improvements in accordance with plans and specifications and usual contract conditions.
3. The contract shall include provisions for supervision of details of construction by the City Engineer and shall grant to the City Engineer authority to correlate the work to be done under said contract by any subcontractor authorized to proceed thereunder and with any other work that is done or contracted by the community in the vicinity.
4. The agreement shall require the Contractor to make an escrow deposit, a performance bond, or a letter of credit from a bank or corporate surety, as the case may be, equal to one hundred and fifty percent (150%) of the City Engineers estimate of the total cost of the improvements showing the subdivider has adequate financial backing. The contract shall require the subdivider to make an escrow deposit, a performance bond, or a letter of credit from a bank or corporate surety showing he has adequate financial backing.
5. All materials and workmanship on improvements in the park must be warrantied for one year.
6. Construction plans for the required improvements shall conform in all respects with the standards and ordinances of the City and shall be prepared at the subdivider's expense by the appropriate professional engineer, architect, land surveyor or landscape architect who is registered in the State of Minnesota, and said plans shall contain his certificate. Such plans together with the quantities of construction items shall be submitted to the City Engineer for his approval and for his estimate of the total costs of the required improvements.
7. Upon approval, the plans shall become a part of the required contract. **Three prints** of the approved plans shall be furnished to the City.
8. A pre-construction meeting with the following representatives will be held prior to the start of construction:
 - a. The City's engineer, street superintendent, and Park Advisory Commission.
 - b. The Contractor's authorized representatives.
 - c. The Utility Company's representatives.
9. The meeting will serve to coordinate all of the parties' efforts during construction and to determine that all permits (NPDES, Wetlands, etc.) have been issued prior to commencement of construction.

Final Acceptance of Improvements

1. The final acceptance of the improvements shall only occur if the City Engineer has certified that he is satisfied that the improvements conform to all applicable standards.
2. The following must be submitted to the City prior to final acceptance by the City Council:
 - a. Satisfactorily show that the Contractor has complied with the provisions of Minnesota Statutes 290.92 requiring withholding state income tax.

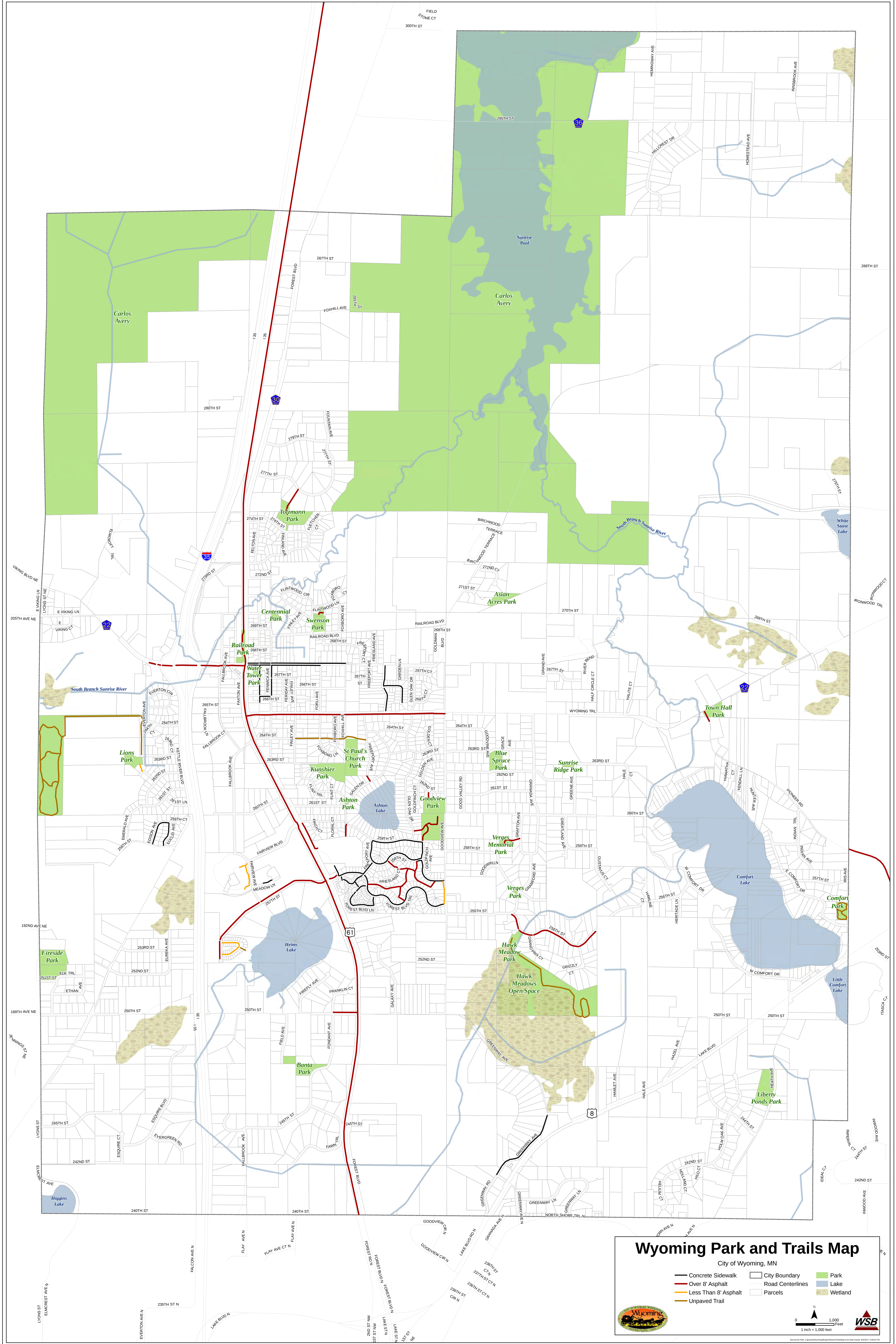
- b. Evidence in the form of an affidavit that all claims against the developer by reasons of the contract have been fully paid or satisfactorily secured.
- c. Consent of Surety to Final Payment certification from the developer's surety.
- d. A one-year maintenance bond in an amount to be determined by the City Engineer.
- e. As-built construction drawings.



**CITY OF WYOMING
PARK ADVISORY COMMISSION
Authority
Powers and Duties**

The Park Advisory Commission shall have the following powers and duties, subject to such rules and regulations as may from time to time be prescribed by ordinance.

- A. To make investigations, surveys and create plans and specification of the proposed park improvement and the site where the proposed park improvement will be located and how it will satisfy the City's "Park Improvement Criteria".
- B. Charged with the responsibility to study, investigate, and make recommendations regarding short and long-term park planning and systems management. This includes, but is not limited to, acquisition, development, construction, maintenance, and operation of City parks and playgrounds; coordination of recreational programming; preservation of natural resources; promotion of environmental awareness; and such other matters shall be referred to the City Council or may be directed by City Council.
- C. Communication - The Liaison will provide report at City Council meeting. The Park Advisory Commission Chair will provide monthly updates on new trail or park developments and a quarterly update on all park business. The Park Advisory Commission minutes will be provided in the City Council packets.
- D. To cooperate with any and all departments of the city and with public school authorities, Chisago County, the state of Minnesota, and other cities in the surrounding area in the furtherance of a well-rounded parks and recreation program.
- E. To make such rules and regulations in regard to the use of the parks and other recreational facilities as shall best serve the interest of the public:
- F. To receive in the name of the city all moneys or other properties donated for the purpose of acquisition of parks or the improvement of the parks or recreation system of the city, and to expend and use the same in such manner as shall best carry out the interests of the donors, provided that all moneys so received shall be forthwith paid into the city treasury and the same shall be placed in a fund to be known as the parks and recreation fund;
- G. Expenditures: All expenditures require City Council authorization.



Wyoming Park and Trails Map

City of Wyoming, MN

Concrete Sidewalk

Over 8' Asphalt

Less Than 8' Asphalt

Unpaved Trail

City Boundary

Road Centerlines

Parcels

Park

Lake

Wetland



01000

1 inch = 1,000 feet



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Park Advisory Commission Communication

Date: December 29, 2021

Presented to: Park Advisory Commission

Presented by: Robb Linwood, City Administrator

Department: Administration

Reference: Open Meeting Law

Method: New Business

Background Information:

Given that the Park Advisory Commission has some new Commissioners, it is appropriate to review the Minnesota Open Meeting Law and its applicability to meetings and communication among Park Advisory Commission Members.

The State of Minnesota has an Open Meeting Law which requires that meetings of public bodies must generally be open to the public. Under the Minnesota Open Meeting Law, all City Council meetings and executive sessions must be open to the public with only a few exceptions. The Open Meeting Law also requires meetings of any committee, subcommittee, board, department, or commission of a public body to be open to the public. For example, the governing bodies of local public pension plans, housing and redevelopment authorities, economic development authorities, and City-created corporations are subject to the Open Meeting Law. The League of Minnesota Cities has published a handbook for Minnesota cities. The section on the Open Meeting Law is attached. A key point to remember in terms of conducting Park Advisory Commission business is:

- Avoid discussions involving a quorum or more of Planning Commission members either personally or electronically (phone, emails, etc.). This includes serial discussions where one Planning Commissioner talks (or sends an email) to another and so forth.

Attachments

A) League of MN Cities Handbook – Open Meeting Law

ATTACHMENT A

RELEVANT LINKS:

[Minn. Stat. § 13D.01.](#)

[Rupp v. Mayasich](#), 533 N.W.2d 893 (Minn. Ct. App. 1995). [St. Cloud Newspapers, Inc. v. Dist. 742 Community Schools](#), 332 N.W.2d 1 (Minn. 1983).

See section I. - *Types of meetings and notice requirements*. [Minn. Stat. § 13D.04, subd. 7.](#)

[Quast v. Knutson](#), 150 N.W.2d 199, 200 (Minn. 1967) (holding that a school board violated the open meeting law when it held a meeting in a room located 20 miles outside the school district). DPO [18-003](#).

[Minn. Stat. § 13D.01, subd. 6.](#) DPO [08-015](#). DPO [13-015](#) (noting that the open meeting law “is silent with respect to agendas; it neither requires them nor prohibits them”). DPO [18-003](#). DPO [18-011](#).

II. The open meeting law

A. Purpose

The Minnesota open meeting law generally requires that all meetings of public bodies must be noticed and open to the public. This presumption of openness serves three vital purposes:

- It prohibits actions from being taken at a secret meeting where it is impossible for the interested public to become fully informed concerning decisions of public bodies or detect improper influences.
- It ensures the public’s right to be informed.
- It gives the public an opportunity to present its views to the public body.

B. Public notice

Public notice generally must be provided for meetings of a public body subject to the open meeting law. The notice requirements depend on the type of meeting. However, if a person receives actual notice of a meeting at least 24 hours before it takes place, all notice requirements under the open meeting law are satisfied, regardless of the method of receipt.

C. Location

The Minnesota Supreme Court has held that, to meet the statutory requirement that meetings of public bodies shall be open to the public, “it is essential that such meetings be held in a public place located within the territorial confines of the [public body] involved.”

D. Printed Materials

At least one copy of the printed materials relating to agenda items that are provided to the council at or before a meeting must also be made available for public inspection in the meeting room while the governing body considers the subject matter.

RELEVANT LINKS:

[Minn. Stat. § 13D.01, subd. 6.](#)

[Minn. Stat. § 13D.01, subd. 1.](#)

[Southern Minnesota
Municipal Power Agency v.
Boyne](#), 578 N.W.2d 362
(Minn. 1998).

[Moberg v. Indep. Sch. Dist.
No. 281](#), 336 N.W.2d 510
(Minn. 1983). [St. Cloud
Newspapers, Inc. v. Dist. 742
Community Schools](#), 332
N.W.2d 1 (Minn. 1983).

[Minn. Stat. § 412.191, subd.
1. Minn. Stat. § 645.08 \(5\)v.](#)

See section II.G.6. for more
information about serial
meetings.

[Minn. Stat. § 13D.01, subd. 3.](#)

[Minn. Stat. § 13D.05, subd. 1
\(d\).](#)

This requirement does not apply to materials classified by law as other than public or to materials relating to the agenda items of a closed meeting.

E. Groups governed by the open meeting law

The open meeting law applies to all governing bodies of any school district, unorganized territory, county, city, town or other public body, and to any committee, sub-committee, board, department or commission of a public body.

Thus, the law applies to meetings of all city councils, planning commissions, firefighter relief associations, economic development authorities, and housing redevelopment authorities, among others.

The Minnesota Supreme Court has held, however, that the governing body of a municipal power agency, created under Minn. Stat. §§ 453.51-453.62, is not subject to the open meeting law because the Minnesota Legislature granted these agencies authority to conduct their affairs as private corporations.

F. Gatherings governed by the open meeting law

The open meeting law does not define the term “meeting.” The Minnesota Supreme Court, however, has ruled that meetings are gatherings of a quorum or more of the members of the governing body, or a quorum of a committee, subcommittee, board, department, or commission thereof, at which members discuss, decide, or receive information as a group on issues relating to the official business of that governing body.

A majority of the members of a statutory city council constitutes a quorum. A majority of the qualified members of any board or commission also constitutes a quorum. Home rule charter cities may have different quorum requirements.

The open meeting law does not generally apply in situations where less than a quorum of the city council is involved. However, serial meetings in groups of less than a quorum that are held in order to avoid the requirements of the open meeting law may be found to violate the law, depending on the specific facts.

G. Open meeting law exceptions

There are seven exceptions to the open meeting law that authorize the closure of meetings to the public. Under these exceptions some meetings may be closed, and some meetings must be closed. Before a meeting is closed under any of the exceptions, the council must state on the record the specific grounds permitting the meeting to be closed and describe the subject to be discussed.

RELEVANT LINKS:

DPO 14-005.
DPO 13-012.
DPO 14-014.

The Free Press v. County of Blue Earth, 677 N.W.2d 471 (Minn. Ct. App. 2004).

The Free Press v. County of Blue Earth, 677 N.W.2d 471 (Minn. Ct. App. 2004) (holding that a county's statement that it was closing a meeting under the attorney-client privilege to discuss "pending litigation" did not satisfy the requirement of describing the subject to be discussed at a closed meeting).

Minn. Stat. § 13D.05, subd. 1 (d).

Minn. Stat. § 13D.04, subd. 5.

Minn. Stat. § 13D.03.
DPO 13-012.

Minn. Stat. § 13D.03.
Minn. Stat. § 13D.01, subd. 3.

The commissioner of the Minnesota Department of Administration has advised that a member of the public body (and not its attorney) must make the statement on the record. The open meeting law does not define the phrase "on the record," but the commissioner has advised that the phrase should be interpreted to mean a verbal statement in open session.

The commissioner has also advised that citing the specific statutory authority that permits the closed meeting is the simplest way to satisfy the requirement for stating the specific grounds permitting the meeting to be closed.

Both the commissioner and the Minnesota Court of Appeals have concluded that something more specific than a general statement is needed to satisfy the requirement of providing a description of the subject to be discussed.

All closed meetings, except those closed as permitted by the attorney-client privilege, must be electronically recorded at the expense of the public body. Unless otherwise provided by law, the recordings must be preserved for at least three years after the date of the meeting.

The same notice requirements that apply to open meetings also apply to closed meetings. For example, if a closed meeting takes place at a regular meeting, the notice requirements for a regular meeting apply. Likewise, if a closed meeting takes place as a special meeting, the notice requirements for a special meeting apply.

1. Meetings that may be closed

The public body may choose to close certain meetings. The following types of meetings may be closed:

a. Labor negotiations under PELRA

A meeting to consider strategies for labor negotiations, including negotiation strategies or development or discussion of labor-negotiation proposals, may be closed. However, the actual negotiations must be done at an open meeting if a quorum of the council is present.

The following procedure must be used to close a meeting under this exception:

RELEVANT LINKS:

DPO 05-027.
DPO 00-037.

Minn. Stat. § 13D.03, subd. 3.

Minn. Stat. § 13D.05, subd. 3(a).

Minn. Stat. § 13D.05, subd. 3(a).
Minn. Stat. § 13D.01, subd. 3.

DPO 05-013 (advising that a government entity could close a meeting under this exception to discuss its contract with an independent contractor when that contractor is an individual human being).

DPO 14-007, DPO 15-002, and DPO 16-002 (discussing what type of summary is sufficient).

- The council must decide to close the meeting by a majority vote at a public meeting and must announce the time and place of the closed meeting.
- Before closing the meeting, the council must state on the record the specific grounds permitting the meeting to be closed and describe the subject to be discussed.
- A written record of all people present at the closed meeting must be available to the public after the closed meeting.
- The meeting must be tape-recorded.
- The recording must be kept for two years after the contract is signed.
- The recording becomes public after all labor agreements are signed by the city council for the current budget period.

If an action claiming that other public business was transacted at the closed meeting is brought during the time the tape is not public, the court will review the recording privately. If the court finds no violation of the open meeting law the action will be dismissed and the recording will be preserved in court records until it becomes available to the public. If the court determines there may have been a violation, the entire recording may be introduced at the trial. However, the court may issue appropriate protective orders requested by either party.

b. Performance evaluations

A public body may close a meeting to evaluate the performance of an individual who is subject to its authority.

The following procedure must be used to close a meeting under this exception:

- The public body must identify the individual to be evaluated prior to closing the meeting.
- The meeting must be open at the request of the individual who is the subject of the meeting; so some advance notice to the individual is needed to allow the individual to make a decision.
- Before closing the meeting, the council must state on the record the specific grounds permitting the meeting to be closed and describe the subject to be discussed.
- The meeting must be electronically recorded, and the recording must be preserved for at least three years after the meeting.
- At the next open meeting, the public body must summarize its conclusions regarding the evaluation. The council should be careful not to release private or confidential data in its summary.

RELEVANT LINKS:

Minn. Stat. § 13D.05, subd. 3(b).

Brainerd Daily Dispatch, LLC v. Dehen, 693 N.W.2d 435 (Minn. Ct. App. 2005).

Prior Lake American v. Mader, 642 N.W.2d 729 (Minn. 2002). DPO 16-003. DPO 17-003.

Northwest Publications, Inc. v. City of St. Paul, 435 N.W.2d 64 (Minn. Ct. App. 1989). *Minneapolis Star & Tribune v. Housing and Redevelopment Authority in and for the City of Minneapolis*, 251 N.W.2d 620 (Minn. 1976).

Minn. Stat. § 13D.01, subd. 3.

See *The Free Press v. County of Blue Earth*, 677 N.W.2d 471 (Minn. Ct. App. 2004) (holding that a general statement that a meeting was being closed under the attorney-client privilege to discuss “pending litigation” did not satisfy the requirement of describing the subject to be discussed).

Minn. Stat. § 13D.05, subd. 3(c). *Vik v. Wild Rice Watershed Dist.*, No. A09-1841 (Minn. Ct. App. 2010) (unpublished opinion).

Minn. Stat. § 13D.05, subd. 3(c).

DPO 14-014. DPO 08-001 (advising that a public body cannot authorize the release of a tape of a closed meeting under this exception until all property discussed at the meeting has been purchased or sold or the public body has abandoned the purchase or sale).

c. Attorney-client privilege

Meetings between the governing body and its attorney to discuss active, threatened, or pending litigation may be closed when the balancing of the purposes served by the attorney-client privilege against those served by the open meeting law dictates the need for absolute confidentiality. The need for absolute confidentiality should relate to litigation strategy, and will usually arise only after a substantive decision on the underlying matter has been made.

This privilege may not be abused to suppress public observations of the decision-making process, and does not include situations where the council will be receiving general legal opinions and advice on the strengths and weaknesses of a proposed action that may give rise to future litigation.

The following procedure must be used to close a meeting under this exception:

- Before closing the meeting, the council must state on the record the specific grounds permitting the meeting to be closed and describe the subject to be discussed.
- The council should also describe how a balancing of the purposes of the attorney-client privilege against the purposes of the open meeting law demonstrates the need for absolute confidentiality.
- The council must actually communicate with its attorney at the meeting.

d. Purchase or sale of property

A public body may close a meeting to:

- Determine the asking price for real or personal property to be sold by the public body.
- Review confidential or nonpublic appraisal data.
- Develop or consider offers or counteroffers for the purchase or sale of real or personal property.

The following procedure must be used to close a meeting under this exception:

- Before closing the meeting, the council must state on the record the specific grounds for closing the meeting, describe the subject to be discussed, and identify the particular property that is the subject of the meeting.

RELEVANT LINKS:

[Minn. Stat. § 13D.05, subd. 3\(d\).](#)

[Minn. Stat. § 13D.05, subd. 3\(d\).](#)

[Minn. Stat. § 13D.05, subd. 2\(b\).](#)

[Minn. Stat. § 13.43, subd. 2\(4\).](#)
[DPO 03-020.](#)

[DPO 14-004.](#)

- The meeting must be tape-recorded and the property must be identified on the tape. The recording must be preserved for eight years, and must be made available to the public after all property discussed at the meeting has been purchased or sold or after the public body has abandoned the purchase or sale.
- A list of councilmembers and all other persons present at the closed meeting must be made available to the public after the closed meeting.
- The actual purchase or sale of the property must be approved at an open meeting, and the purchase or sale price is public data.

e. Security reports

A meeting may be closed to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency-response procedures and to discuss security deficiencies in or recommendations regarding public services, infrastructure, and facilities—if disclosure of the information would pose a danger to public safety or compromise security procedures or responses. Financial issues related to security matters must be discussed, and all related financial decisions must be made at an open meeting.

The following procedure must be used to close a meeting under this exception:

- Before closing the meeting, the council must state on the record the specific grounds for closing the meeting and describe the subject to be discussed.
- When describing the subject to be discussed, the council must refer to the facilities, systems, procedures, services or infrastructure to be considered during the closed meeting.
- The closed meeting must be tape-recorded, and the recording must be preserved for at least four years.

2. Meetings that must be closed

There are some meetings that the open meeting law requires to be closed. The following meetings must be closed:

a. Misconduct allegations

A public body must close a meeting for preliminary consideration of allegations or charges against an individual subject to the public body's authority.

The commissioner of the Minnesota Department of Administration has advised that a city could not close a meeting under this exception to consider allegations of misconduct against a job applicant who had been extended a conditional offer of employment.

RELEVANT LINKS:

DPO 10-001.
Minn. Stat. § 13.43.

Minn. Stat. § 13D.01, subd. 3.
Minn. Stat. § 13D.05, subd. 1.

Note: There is a special provision dealing with allegations of law enforcement personnel misconduct; see [Minn. Stat. § 13D.05, subd. 2\(a\)](#) and section II.G.2.b.- *Certain not-public data*.

Minn. Stat. § 13D.05, subd. 2(a).

Minn. Stat. § 13.32.
Minn. Stat. § 13.3805, subd. 1.
Minn. Stat. § 13.384.
Minn. Stat. § 13.46, subds. 2, 7.
Minn. Stat. §§ 144.291-144.298.

Minn. Stat. § 13D.01, subd. 3.
Minn. Stat. § 13D.05, subd. 1.

(The job applicant was not a city employee). The commissioner reasoned that the city council had no authority to discipline the job applicant or to direct his actions in any way; therefore, he was not “an individual subject to its authority.”

The commissioner has also advised that a tape recording of a closed meeting for preliminary consideration of misconduct allegations is private personnel data under Minn. Stat. § 13.43, subd. 4, and is accessible to the subject of the data but not to the public. The commissioner noted that at some point in time, some or all of the data on the tape may become public under Minn. Stat. § 13.43, subd. 2.

For example, if the employee is disciplined and there is a final disposition, certain personnel data becomes public.

The following procedure must be used to close a meeting under this exception:

- Before closing the meeting, the council must state on the record the specific grounds for closing the meeting and describe the subject to be discussed.
- The meeting must be open at the request of the individual who is the subject of the meeting. Thus, the individual should be given advance notice of the existence and nature of the charges against him or her, so that the individual can make a decision.
- The meeting must be electronically recorded, and the recording must be preserved for at least three years after the meeting.
- If the public body decides that discipline of any nature may be warranted regarding the specific charges, further meetings must be open.

b. Certain not-public data

The general rule is that meetings cannot be closed to discuss data that are not public under the Minnesota Government Data Practices Act. A meeting must be closed, however, if the following not-public data is discussed:

- Data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults.
- Internal affairs data relating to allegations of law enforcement personnel misconduct or active law enforcement investigative data.
- Educational data, health data, medical data, welfare data or mental health data that are not-public data.
- Certain medical records.

The following procedure must be used to close a meeting under this exception:

RELEVANT LINKS:

Minn. Stat. § 13D.05, subds. 1(a), 2(a). See section II.G.b.-
Certain not-public data.

Minn. Stat. § 13D.05, subd. 2(a).
Minn. Stat. § 13.03, subd. 11.

Minn. Stat. § 13D.05, subd. 1(b).

Minn. Stat. § 13D.05, subd. 1(c).

Channel 10, Inc. v. Indep. Sch. Dist. No. 709, 298 Minn. 306, 215 N.W.2d 814 (Minn. 1974).

See section II.H.6. - *Serial meetings.*

- The council must state on the record the specific grounds for closing the meeting and describe the subject to be discussed.
- The meeting must be electronically recorded, and the recording must be preserved for at least three years after the meeting.

H. Common issues

This section provides an overview of some of the common issues cities face while attempting to comply with the open meeting law.

1. Data practices

Generally, meetings may not be closed to discuss data that is not public under the Minnesota Government Data Practices Act (MGDPA). However, the public body must close any part of a meeting at which certain types of not-public data are discussed.

If not-public data is discussed at an open meeting when the meeting is required to be closed, it is a violation of the open meeting law. Discussions of some types of not-public data may also be a violation of the MGDPA.

However, not-public data may generally be discussed at an open meeting without liability or penalty if both of the following criteria are met:

- The disclosure relates to a matter within the scope of the public body's authority.
- The disclosure is necessary to conduct the business or agenda item before the public body.

Data that is discussed at an open meeting retains its original classification under the MGDPA. However, a record of the meeting is public, regardless of the form. It is suggested that not-public data that is discussed at an open meeting not be specifically detailed in the minutes.

2. Interviews

The Minnesota Supreme Court has held that a school board must interview prospective employees in open sessions.

The Supreme Court concluded that the absence of a statutory exception to the open meeting law for interviews indicated that the legislature had decided that such sessions should not be closed. The reasoning would seem to apply to a city council's interview of prospective officers and employees as well, if a quorum is present.

RELEVANT LINKS:

Mankato Free Press v. City of North Mankato, No. C1-96-100036 (Fifth Jud. Dist. 1996).

Mankato Free Press v. City of North Mankato, 563 N.W.2d 291 (Minn. Ct. App. 1997).
Mankato Free Press v. City of North Mankato, No. C9-98-677 (Minn. Ct. App. Dec. 15, 1998) (unpublished decision).

A.G. Op. 63-A-5 (June 13, 1957). See also Minn. Stat. § 13D.01, subd. 1(b) (4).

St. Cloud Newspapers, Inc. v. Dist. 742 Community Schools, 332 N.W.2d 1 (Minn. 1983).

In 1996, a district court found that it was not a violation of the open meeting law for candidates to be serially interviewed by members of a city council in one-on-one closed interviews. In this case, five city councilmembers were present in the same building, but each was conducting separate interviews in five different rooms. Because there was no quorum present in any of the rooms, the court found there was no meeting. The decision, however, was appealed.

In 1997, the Minnesota Court of Appeals reversed the district court's decision and remanded the case back to the district court for a factual determination on whether the city used the one-on-one interview process in order to avoid the requirements of the open meeting law.

On remand, the district court found that the private interviews were not conducted for the purpose of avoiding public hearings. The case was again appealed. In an unpublished decision, the court of appeals affirmed the district court's decision.

The conclusion that can be drawn from this decision appears to be that if serial meetings involving less than a quorum of a public body are held for the purpose of avoiding the requirements of the open meeting law, it will constitute a violation of the law. Cities that are considering holding private interviews with job applicants should first consult their city attorney.

3. Executive sessions

The attorney general has advised that executive sessions of a city council must be open to the public.

4. Informational meetings and committees

The Minnesota Supreme Court has held that informational seminars about school-board business, which the entire board attends, must be noticed and open to the public. As a result, it appears that any scheduled gathering of a quorum of a city council where it receives information about city business must be properly noticed and open to the public, regardless of whether the council takes or contemplates taking action at that gathering.

In addition, many city councils create committees to make recommendations regarding a specific issue. Commonly, such a committee will be responsible for researching the issue and submitting a recommendation to the council for its approval. These committees are usually advisory, and the council is still responsible for making the final decision.

RELEVANT LINKS:

DPO [05-014](#).

DPO [07-025](#).

A.G. Op. 63a-5 (Aug. 28, 1996).

Sovereign v. Dunn, 498 N.W.2d 62 (Minn. Ct. App. 1993). See also *Minnesota Daily v. Univ. of Minnesota*, 432 N.W.2d 189 (Minn. Ct. App. 1988) and *Zahavy v. Univ. of Minnesota*, 544 N.W.2d 32 (Minn. Ct. App. 1996).

Sovereign v. Dunn, 498 N.W.2d 62 (Minn. Ct. App. 1993).

Thuma v. Kroschel, 506 N.W.2d 14 (Minn. Ct. App. 1993).

This type of committee may be subject to the open meeting law. Some factors that may be relevant in deciding whether a committee is subject to the open meeting law include: how the committee was created and who are its members; whether the committee is performing an ongoing function, or instead, is performing a one-time function; whether the committee receives public funds or uses public facilities or staff; and what duties and powers have been granted to the committee.

For example, the commissioner of the Minnesota Department of Administration has advised that “standing” committees of a city hospital board that were responsible for management liaison, collection of information, and formulation of issues and recommendations for the board were committees subject to the open meeting law. The advisory opinion noted that the standing committees were performing tasks that relate to the ongoing operation of the hospital district and were not performing a one-time or “*ad hoc*” function.

In contrast, the commissioner has advised that a city’s Free Speech Working Group was not a committee that was subject to the open meeting law. This group consisted of members, including city officials, that the city council had appointed to develop and review strategies for addressing free-speech concerns relating to a political convention that was going to be held in the city. The commissioner reasoned that the group was not a committee subject to the open meeting law because it did not have any decision-making authority.

City councils also routinely appoint individual councilmembers to act as liaisons between the council and particular groups. These types of groups may be considered a committee that is subject to the open meeting law.

The Minnesota Court of Appeals considered a situation where the mayor and one other member of a city council attended a series of mediation sessions regarding an annexation dispute that were not open to the public. The court of appeals held that the open meeting law did not apply to these meetings, concluding “that a gathering of public officials is not a ‘committee, subcommittee, board, department or commission’ subject to the open meeting law unless the group is capable of exercising decision-making powers of the governing body.”

The court of appeals also noted that the capacity to act on behalf of the governing body is presumed where members of the group comprise a quorum of the body and could also arise where there has been a delegation of power from the governing body to the group.

In addition, a separate notice for a special meeting of the city council may also be required if a quorum of the council will be present at a committee meeting and will participate in the discussion.

RELEVANT LINKS:

A.G. Op. 63a-5 (Aug. 28, 1996). DPO [16-005](#).

St. Cloud Newspapers, Inc. v. District 742 Cmty. Sch., 332 N.W.2d 1 (Minn. 1983).
Moberg v. Indep. Sch. Dist. No. 281, 336 N.W.2d 510 (Minn. 1983). DPO [18-003](#).

Hubbard Broadcasting, Inc. v. City of Afton, 323 N.W.2d 757 (Minn. 1982).

Moberg v. Indep. Sch. Dist. No. 281, 336 N.W.2d 510 (Minn. 1983). See also DPO [10-011](#) and DPO [06-017](#).

Mankato Free Press v. City of North Mankato, 563 N.W.2d 291 (Minn. Ct. App. 1997).

Mankato Free Press v. City of North Mankato, No. C9-98-677 (Minn. Ct. App. Dec. 15, 1998) (unpublished decision).

For example, when a quorum of a city council attended a meeting of the city's planning commission, the Minnesota Court of Appeals ruled that there was a violation of the open meeting law, not because of the councilmembers' attendance at the meeting, but because the councilmembers conducted public business in conjunction with that meeting.

Based on that decision, the attorney general has advised that mere attendance by additional councilmembers at a meeting of a council committee held in compliance with the open meeting law would not constitute a special city council meeting requiring separate notice. The attorney general warned, however, that the additional councilmembers should not participate in committee discussions or deliberations, absent a separate notice of a special city council meeting.

5. Chance or social gatherings

Chance or social gathering of city councilmembers will not be considered a meeting subject to the open meeting law as long as there is not a quorum present, or, if a quorum is present, as long as the quorum does not discuss, decide, or receive information about official city business.

The Minnesota Supreme Court has held that a conversation between two councilmembers over lunch regarding an application for a special-use permit did not violate the open meeting law because a quorum was not present.

6. Serial meetings

The Minnesota Supreme Court has noted that meetings of less than a quorum of the public body held serially to avoid public hearings or to fashion agreement on an issue may violate the open meeting law depending on the circumstances.

A Minnesota Court of Appeals' decision also indicates that serial meetings could violate the open meeting law. The Minnesota Court of Appeals considered a situation where individual councilmembers conducted separate, serial interviews of candidates for a city position in one-on-one closed interviews. Although the district court found that no meetings had occurred because there was never a quorum of the council present, the court of appeals remanded the decision back to the district court for a determination of whether the councilmembers had used this interview process for the purpose of avoiding the requirements of the open meeting law.

On remand, the district court found that the private interviews were not conducted for the purpose of avoiding the requirements of the open meeting law. This decision was also appealed, and the court of appeals, in an unpublished decision, agreed with the district court's decision.

RELEVANT LINKS:

Compare *St. Cloud Newspapers, Inc. v. Dist. 742 Community Schools*, 332 N.W.2d 1 (Minn. 1983) and A.G. Op. 63a-5 (Feb. 5, 1975).

A.G. Op. 63a-5 (Feb. 5, 1975).

DPO 16-006.

Moberg v. Indep. Sch. Dist. No. 281, 336 N.W.2d 510 (Minn. 1983).

DPO 09-020.

A city that wants to hold private interviews with applicants for city employment should first consult with its city attorney.

7. Training sessions

Whether the participation of a quorum or more of councilmembers in a training program should be considered a meeting under the open meeting law would likely depend on whether the program includes a discussion of general training information or a discussion of specific matters relating to an individual city.

The attorney general has advised that a city council's participation in a non-public training program devoted to developing skills at effective communication was not a meeting subject to the open meeting law.

However, the opinion also stated that if there were to be any discussions of specific city business by the attending members, such as where councilmembers exchange views on the city's policy in granting liquor licenses, such discussions would likely violate the open meeting law.

The commissioner of the Department of Administration has likewise advised that a school board's participation in a non-public team-building session to "improve trust, relationships, communications, and collaborative problem solving among Board members," was not a meeting subject to the open meeting law if the members are not "gathering to discuss, decide, or receive information as a group relating to 'the official business' of the governing body."

However, the opinion also advised that if there were to be any discussions of specific official business by the attending members, either outside or during training sessions, it could be a violation of the open meeting law.

8. Telephone, email, and social media

It is possible that communication through telephone calls, email, or other technology could violate the open meeting law. The Minnesota Supreme Court has indicated that communication through letters and telephone calls could violate the open meeting law under certain circumstances.

The commissioner of the Minnesota Department of Administration has advised that back-and-forth email communication among a quorum of a public body in which official business was discussed violated the open meeting law. However, the opinion also advised that "one-way communication between the chair and members of a public body is permissible, such as when the chair or a staff sends meeting materials via email to all board members, as long as no discussion or decision-making ensues."

RELEVANT LINKS:

O'Keefe v. Carter, No. A12-0811 (Minn. Ct. App. Dec. 31, 2012) (unpublished decision). But see DPO 17-005.

Minn. Stat. § 480A.08, subd. 3.

Minn. Stat. § 13D.065.

Moberg v. Indep. Sch. Dist. No. 281, 336 N.W.2d 510 (Minn. 1983). See Section II. H.6. - *Serial meetings*. See DPO 17-005.

In contrast, the Minnesota Court of Appeals, in an unpublished decision, has concluded that email communications are not subject to the open meeting law because they are written communications and are not a “meeting” for purposes of the open meeting law.

The decision also concluded that even if the email messages were subject to the open meeting law, the substance of the emails in question did not contain the type of discussion that would be required for a prohibited “meeting” to have occurred. The decision noted that the substance of the email messages was not important and controversial; instead, it related to a relatively straightforward operational matter. The decision also noted that the town board members did not appear to make any decisions in their email messages.

Because this decision is unpublished, it is not binding on other courts. In addition, the outcome of this decision might have been different if the substance of the emails had related to something other than operational matters, for example, if the emails were attempting to build agreement on a particular issue that was going to be presented to the town board at a future meeting.

In 2014, the open meeting law was amended to provide that “the use of social media by members of a public body does not violate the open meeting law as long as the social media use is limited to exchanges with all members of the general public.” Email is not considered a type of social media under the new law.

The open meeting law does not define the term “social media,” but this term is generally understood to mean forms of electronic communication, including websites for social networking like Facebook, LinkedIn, and MySpace as well as blogs and microblogs like Twitter through which users create online communities to share information, ideas, and other content.

It is important to remember that the use of social media by city councilmembers could result in other claims, in addition to open meeting law claims, such as claims of defamation or of bias in decision making.

As a result, councilmembers should make sure that any comments they make on social media are factually correct, and they should not make any comments demonstrating bias on issues that will come before the council in the future for a quasi-judicial decision, such as the consideration of whether to grant an application for a conditional use permit.

It is also important to remember that serial discussions between less than a quorum of a public body that is subject to the open meeting law could violate the open meeting law under certain circumstances.

RELEVANT LINKS:

[Minn. Stat. § 13.02, subd. 7.](#)

See Handbook, [Records Management](#), for more information about records management.

[Minn. Stat. § 13.072, subd. 1\(b\).](#)
[See DPO for an index of advisory opinions by topic.](#)

Therefore, city councils and other groups to which the open meeting law applies should take a conservative approach and avoid using letters, telephone conversations, email, and other such technology if the following circumstances exist:

- A quorum of the council will be contacted regarding the same matter.
- City business is being discussed.

Another thing councilmembers should be careful about is which email account they use to receive emails relating to city business because such emails would likely be considered government data that are subject to a public-records request under the Minnesota Government Data Practices Act (MGDPA). The best option would be for each councilmember to have an individual email account that the city provides and city staff manage. However, this is not always possible for cities due to budget, size, or logistics.

If councilmembers don't have a city email account, there are some things to think about before using a personal email account for city business. First, preferably only the councilmember should have access to the personal email account. Using a shared account with other family members could lead to information being inadvertently deleted. Also, since city emails are government data, city officials may have to separate personal emails from city emails when responding to a public-records request.

Second, if the account a city councilmember wants to use for city business is tied to a private employer, that private employer may have a policy that restricts this kind of use.

Even if a private employer allows this type of use, it is important to be aware that, in the event of a public-records request under the MGDPA or a discovery request in litigation, the private employer may be compelled to have a search done of a councilmember's email communication on the private employer's equipment or to restore files from a backup or archive.

What may work best is to use a free, third-party email service, such as gmail or Hotmail, for your city account and to avoid using that email account for any personal email or for anything that may constitute an official record of city business since such records must be retained in accordance with the state records-retention requirements.

I. Advisory opinions

1. Department of Administration

The commissioner of the Minnesota Department of Administration has authority to issue non-binding advisory opinions on certain issues related to the open meeting law.

RELEVANT LINKS:

See [Requesting an Open Meeting Law Advisory Opinion from DPO](#).

[Minn. Stat. § 8.07](#).

See [index of Attorney General Advisory opinions from 1993 to present](#).

Star Tribune Co. v. Univ. of Minnesota Bd. of Regents, 683 N.W.2d 274, 289 (Minn. 2004).

[Minn. Stat. § 13D.06, subd. 2. O’Keefe v. Carter](#), No. A12-0811 (Minn. Ct. App. Dec. 31, 2012) (unpublished decision). [Minn. Stat. § 541.07 \(2\)](#).

[Minn. Stat. § 13D.06, subds. 1, 4](#).

[Minn. Stat. § 13D.06, subd. 4](#). See LMC information memo, [LMCIT Liability Coverage Guide](#), Section III-M, Open meeting law and bankruptcy lawsuits, for information about insurance coverage for lawsuits under the open meeting law.

A court or other tribunal must give deference to an advisory opinion. A \$200 fee is required. The Data Practices Office (DPO) of the Department of Administration handles these requests.

A public body subject to the open meeting law can request an advisory opinion from the commissioner. In addition, a person who disagrees with the manner in which members of a governing body perform their duties under the open meeting law can also request an advisory opinion.

2. Minnesota Attorney General

The Minnesota Attorney General is authorized to issue written advisory opinions to city attorneys on “questions of public importance.”

The Attorney General has issued several advisory opinions on the open meeting law.

Opinions of the Attorney General are not binding on the courts but are entitled to careful consideration when they are of long standing.

J. Penalties

An action to enforce the open meeting law may be brought by any person in any court of competent jurisdiction where the administrative office of the governing body is located. In an unpublished decision, the court of appeals concluded that this broad grant of jurisdiction authorized a member of a town board to bring an action against his own town board for alleged violations of the open meeting law.

This same decision also concluded that a two-year statute of limitations applies to lawsuits under the open meeting law.

A councilmember who intentionally violates the open meeting law can be subject to personal liability in the form of a civil penalty of up to \$300. The city may not pay this penalty. A court may take into account a councilmember’s time and experience in office to determine the amount of the penalty.

In addition, a court may award reasonable costs, disbursements, and attorney fees of up to \$13,000 to the person who brought the violation to court. The court may award costs and attorney fees to a city only if the action is found to be frivolous and without merit. A city may pay for any costs, disbursements, and attorney fees awarded.

RELEVANT LINKS:

[Minn. Stat. 13D.06, subd. 4.](#)

[Minn. Stat. § 13D.06, subd. 4 \(d\).](#) *Coalwell v. Murray*, No. C6-95-2436 (Minn. Ct. App. Aug. 6, 1996) (unpublished opinion). *Elseth v. Hille*, No. A12-1496 (Minn. Ct. App. May 13, 2013) (unpublished opinion).

[Minn. Stat. § 13D.06, subd. 3.](#) *Claude v. Collins*, 518 N.W.2d 836 (Minn. 1994). *Brown v. Cannon Falls Township*, 723 N.W.2d 31 (Minn. Ct. App. 2006). *Funk v. O'Connor*, 916 N.W.2d 319 (Minn. 2018).

[Minn. Stat. § 13D.06, subd. 3 \(b\) and \(c\).](#)

[Quast v. Knutson](#), 276 Minn. 340, 150 N.W.2d 199 (Minn. 1967).

[Sullivan v. Credit River Township](#), 217 N.W.2d 502 (Minn. 1974). *In re D & A Truck Line, Inc.*, 524 N.W.2d 1 (Minn. Ct. App. 1994). *Lac Qui Parle-Yellow Bank Watershed Dist. v. Wollschlager*, No. C6-96-1023 (Minn. Ct. App. Nov. 12, 1996) (unpublished opinion). DPO 11-004.

If a plaintiff prevails in a lawsuit under the open meeting law, an award of reasonable attorney fees is mandatory if the court determines the public body was the subject of a prior written advisory opinion from the commissioner of the Department of Administration, and the court finds that the opinion is directly related to the lawsuit and that the public body did not act in conformity with the opinion.

A court is required to give deference to the advisory opinion in a lawsuit brought to determine whether the open meeting law was violated.

No monetary penalties or attorney fees may be awarded against a member of a public body unless the court finds there was intent to violate the open meeting law.

If a person is found to have intentionally violated this chapter in three or more separate, sequential actions, the person must be removed from office and may not serve in any other capacity with that public body for a period of time equal to the term of office the person was serving.

If a court finds a separate, third violation that is unrelated to the previous violations, it must declare the position vacant and notify the appointing authority or clerk of the governing body.

As soon as practicable, the appointing authority or governing body shall fill the position as in the case of any other vacancy.

The open meeting law does not address whether actions taken at an improper meeting would be invalid. The Minnesota Supreme Court once held that an attempted school district consolidation was fatally defective when the initiating resolution was adopted at a meeting that was not open to the public.

However, in more recent decisions, Minnesota courts have refused to invalidate actions taken at improperly closed meetings. The Minnesota Supreme Court has noted that the open meeting law does not provide for such a remedy because the open meeting law “does not specify that actions taken at a meeting which is not public shall be invalid.”

December 11, 2021

Robb,

It has been a wonderful winding road over the last four years but due to personal matters it is time for me to step away from the Park Advisory Commission. I wish the Commission all the best in its future. The current Commissioners are a great group of people. I am to the point type person so I will leave at that but if you have any questions of me please feel free to reach out.

Best Regards,

Barb Williams.



SWENSON PARK RIBBON CUTTING CEREMONY

**SATURDAY, JANUARY 15 AT 2 PM
AT SWENSON PARK**

- First ADA compliant park
- Upgraded warming house
- Tennis/Pickleball Courts resurfaced
- New dasher board (hockey board) system for the hockey rink
- New playground equipment
- Accessible sidewalks and ramps
- New LED light installation for the rink

The redesign of the park was funded by a 50/50 matching Minnesota DNR grant of \$165,000. Without this, this would not have been possible. Thank you!

